

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 16 AM 10:19

UNITED STATES OF AMERICA,) Magistrate Docket No. **'08 MJ 0117**
Plaintiff,) SOUTHERN DISTRICT OF CALIFORNIA
v.) DEPUTY
Francisco Javier GARCIA-Marquez,)
Defendant)

PJM

The undersigned complainant, being duly sworn, states:

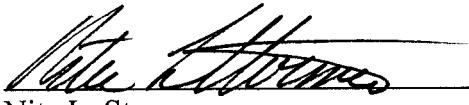
On or about **January 15, 2008** within the Southern District of California, defendant, **Francisco Javier GARCIA- Marquez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF January, 2008.



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Francisco Javier GARCIA-Marquez****PROBABLE CAUSE STATEMENT**

On January 15, 2008 at approximately 2:45 AM, Border Patrol Agent V. Hernandez observed an individual on the shoulder of the road on the northbound side of the Interstate 5 freeway near the Las Pulgas exit ramp. This area is located adjacent to Camp Pendleton, California and approximately 67 miles north of the United States/Mexico international boundary. As Agent Hernandez approached to see if the individual needed help or assistance, the individual ran into the brush. Agent J. Swaine and Hernandez attempted to locate the individual. After a brief search, Agent Swaine located the individual hiding in some thick brush. Agent Swaine identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship and nationality. The individual, later identified as **Francisco Javier GARCIA-Marquez**, admitted to being a citizen and national of Mexico illegally present in the United States. GARCIA was arrested and transported to the San Clemente Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 17, 2002** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

GARCIA-Marquez was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. GARCIA-Marquez stated that he is a citizen and national of Mexico and that he did not obtain permission to re-enter the United States after being deported. GARCIA stated that he has been deported several times and knew that it was illegal to re-enter the United States.